



# **\*Revised\* District 6 Advisory Board Agenda**

Monday, December 6, 2021 • 6:30 p.m.

Evergreen Recreation Center • 2700 N. Woodland, Wichita, KS 67204

• [Facebook Live](#)

## Order of Business

- **Call to Order**

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### **1. Wichita Fire Department**

Staff will present District 6 fire statistics, discuss relevant safety topics, provide department updates, and answer questions.

### **2. Wichita Police Department**

Community Policing Officers will present District 6 statistics and crime trends, discuss relevant safety topics, provide department updates, and answer questions.

### **3. Wichita Public Library Report**

**Library Staff** will report on events and programs at the Evergreen Branch Library and the Advanced Learning Library.

**Recommended Action:** Receive and file.

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## Public Agenda

This portion of the agenda provides an opportunity for citizens to present issues that are not part of the regular agenda for the meeting. There is a three-minute time limit for each speaker.

### **4. Scheduled Items**

There are no scheduled Public Agenda items this month.

### **5. Off-Agenda Items**

Any individual present that did not request to speak on the Public Agenda prior to the meeting may speak at this time.

**Recommended Action:** Receive and file.

## New Business

### 6. Public Art at Evergreen Community Center and Library

Design team will be presenting updates for the public art at Evergreen Community Center and Library.

**Recommended Action:** Receive and file.

### 7. FY2022-2023 Funding: CDBG, HOME, ESG

**Housing & Community Services staff will present on this item.**

The U.S. Department of Housing and Urban Development (HUD) considers the City of Wichita to be an entitlement city and as such, Wichita receives annual allocations of Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Solutions Grant (ESG) funds. In order to receive these funds the City is required to prepare a Consolidated Plan every five years. In addition, the City is required to submit an Annual Action Plan which addresses the priorities identified in the Consolidated Plan.

The City submitted a Consolidated Plan for the 2019 through 2023 program years, and staff is soliciting comment regarding funding priorities for the fiscal year beginning July 1, 2022, and ending on June 30, 2023. HUD has not announced the City's allocation amounts for the upcoming program year. Preliminary plans will be based on estimated funding at current levels and will be adjusted to reflect actual allocation amounts.

A presentation regarding programs funded during the last program year is attached. District Advisory Boards and the general public are being asked to provide comment regarding changes that should be made if the actual funding allocations are increased or reduced, and to provide comment regarding urgent needs that may not be addressed under the current funding plan. Public comments will be used by staff to finalize the annual plan after HUD has provided final funding amounts.

The 2022-23 funding is proposed at current levels for discussion purposes: CDBG: \$2,968,676; HOME: \$1,519,843; ESG: \$250,208. There is no impact on the General Fund.

The comments provided by DAB members, citizens, and various community groups will be used to identify community needs and develop the City's annual spending plan when actual allocation amounts are determined, as required by HUD for CDBG, HOME and ESG funds.

**Recommendations/Actions:** It is recommended that the District Advisory Board provide comment regarding community needs and funding priorities for the 2022-23 Fourth Year Annual Action Plan.

**Attachment:** Presentation- <https://www.wichita.gov/Council/DABAgendasMinutes/2021-12-06%20DAB%206%20PPTs.pptx.pdf>

### 8. Nomination of Grants Review Committee Representative – District 6

**Housing & Community Services staff will present on this item.**

The Grants Review Committee includes representation from all District Advisory Boards, Wichita Independent Neighborhood Association, the United Way, Sedgwick County, USD #259, Wichita State University, as well as large and small businesses. The 14 GRC members are appointed annually by the City Council. Housing and Community Services Department staff meets with GRC members throughout the proposal evaluation period. After review of the applications and proposals and public comments, the GRC makes recommendations to the City Council for HOME, ESG and CDBG funding for the next program year.

The 2021-22 GRC representative from District 6 was William Washburn.

Attached is a tentative schedule of meetings along with the nomination form; please note that all meetings will be held electronically this year, out of an abundance of caution for COVID-19. Additionally, all applications will be submitted through, reviewed by, and ranked by the GRC through a new online platform this year called ZoomGrants. ZoomGrants training will be provided to the GRC.

City staff is projecting the same level of funding for 2022-2023 as the current fiscal year. CDBG: \$2,968,676; HOME: \$1,519,843; ESG: \$250,208. There is no impact to the General Fund.

HUD requires citizen participation in the development of spending plans for CDBG, HOME and ESG funds.

It is recommended that the District Advisory Board nominate a District VI representative to the Grants Review Committee.

**Attachment:** Nomination Form & Schedule - <https://www.wichita.gov/Council/DABAgendasMinutes/2021-12-06%20DAB%206%20GRC%20Nom.pdf>

## 9. CON2021-00053

**Philip Zevenbergen, Associate Planner, Metropolitan Area Planning Department** will present an application on behalf of Joan Aboud (Owner) / Jeremiah Leathers (Agent/Contract Buyer). The applicant is requesting a Conditional Use to allow Outdoor Vehicle Sales on property zoned Limited Commercial (LC). The site is located on the west side of North Amidon Avenue, and one-half mile north of West 29<sup>th</sup> Street North (3357 North Amidon Avenue). The site is developed with a vacant commercial building and a parking lot. The portable storage containers shown in the aerial image have been removed. The site does have undeveloped areas that the applicant has stated they could use to expand the business in the future if it is approved. Per the Unified Zoning Code (UZC), Outdoor Vehicle and Equipment sales may be permitted with a Conditional Use in the LC zoning district. The applicant's site plan shows the existing commercial structure and diagram of parking spaces. The site is accessed from two existing drives off of North Amidon. The parking lot no longer traverses across property lines to the north as shown in the aerial image. Recent development of a retail store to the north removed the access point and now the parking lot on the subject site ends at the property line. The angled parking illustrated on the applicant's site plan can be used for display vehicles, so there is no issue for vehicular circulation.

**RECOMMENDATION:** Based upon information available prior to the public hearings and evaluating the conditions and uses of the surrounding neighborhood, staff is recommending the request be **DENIED**, based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property abutting to the north are zoned LC Limited Commercial) and is developed with retail. Property north across North Amidon/North Womer Street is zoned GO General Office and is developed with a family medical office. Property to the east is zoned SF5 Single-Family Residential and developed with single-family homes fronting North Amidon Avenue. Property to the south is zoned LC and SF-5 and is developed with single-family residences and accessory structures. Property to the west is zoned LC and is developed with a single-family residence and accessory structures on a 7.25-acre lot. Though zoning to the west and to the south is LC Limited Commercial the properties are developed with established residential uses. Furthermore, the commercial use is adjacent to single-family dwellings that front North Amidon directly across from the subject property. There are no used vehicle sales within at least a mile radius of the subject property. There are used vehicle sales along North Broadway Avenue between East 25<sup>th</sup> and East 29<sup>th</sup> Streets North. This would introduce and new use in the area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC could be developed with other permitted uses. Office, General; Convenience

Store; Personal Care Service; Personal Improvement Service; Restaurant; Retail, General; and Vehicle repair, Limited are a few of the uses permitted by right in the LC zoning district.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Vehicle sales on this site would introduce a new use into the area and have a negative effect on the surrounding residential neighborhoods. There are no used vehicle sales with at least a mile radius of the subject property. There are used vehicle sales along North Broadway Avenue between East 25<sup>th</sup> and East 29<sup>th</sup> Streets North. The site has a history of attempts to permit higher intensity uses which have either been denied or deferred and closed. Findings from those applications reference impact to the low-density residential as a basis for denial recommendation. Though a zone change was approved, it was ultimately denied for failure to meet the conditions of approval.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The requested conditional use is not in conformance to the *Community Investments Plan*. The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan* contains a Future Growth Concept Map, which identifies the site as appropriate for commercial development, which is defined as “areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with residential uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic area located in close proximity to major arterials or highways and typically are buffered from lower density areas by higher density housing types.” Though the Future Growth Map identifies the site appropriate for commercial development, the definition of the commercial indicates the site to most appropriate for convenience retail, restaurant, small offices, and/or personal service uses given its proximity to residential uses.

The requested use is also not in conformance with the Locational Guidelines of the *Community Investments Plan*. The Land Use Compatibility section of the Locational Guidelines states that “higher-intensity development should be discouraged from locating in areas of existing, lower intensity development, particularly established low-density residential areas.” Though zoning to the west and to the south is LC Limited Commercial the properties are developed with established residential uses. Furthermore, the commercial use is adjacent to single-family dwellings that front North Amidon directly across from the subject property.

**\*Staff Report\*:** <https://www.wichita.gov/Council/DABAgendasMinutes/2021-12-06%20DAB%206%20CON2021-00053%20MAPC%20Staff%20Report.pdf>

**Attachment:** <https://www.wichita.gov/Council/DABAgendasMinutes/2021-12-06%20DAB%206%20CON2021-00053%20Email%20support%20for%20whitetail%20auto%20sales.pdf>

#### 10. ZON2021-00048

**Philip Zevenbergen, Associate Planner, Metropolitan Area Planning Department** will present an application on behalf of Alchemy Investments, LLC (applicant). The applicant is requesting a zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential for a property addressed as 2439 West 3<sup>rd</sup> Street north, which is generally located one-block east of North Meridian Avenue and two-blocks north of West 2<sup>nd</sup> Street North. The subject site is currently undeveloped.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the zone change request. Planning staff encourages the applicant to keep the existing large trees when developing the property.

**Staff Report:** <https://www.wichita.gov/Council/DABAgendasMinutes/2021-12-06%20DAB%206%20ZON2021-00048%20MAPC%20Staff%20Report.pdf>

#### 11. ZON2021-00051

**Philip Zevenbergen, Associate Planner, Metropolitan Area Planning Department** will present an application on behalf of Robert Armstrong (owner/applicant), KE Miller Engineering (Agent). The applicant is requesting the rezoning of the west 74.5 feet of Lot 5, Block A, Patterson Gardens Addition from SF-5 Single-Family Residential to MF-18 Multi-Family Residential with a proposed Protective Overlay. The site is generally located on the east side of North Hoover Avenue, 675 feet north of West Central Avenue (northeast corner of North Hoover and West Elm). The subject property is a separate parcel from the remainder of Lot 5 and is currently undeveloped. The applicant proposes to develop the site with a triplex. The applicant submitted a proposed language for a protective overlay found in the staff report.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request subject to Protective Overlay #381.

#### **Recommended Language for Protective Overlay #381**

1. Structures shall be limited to triplexes, duplexes and single-family dwellings.
2. Utilities shall be installed underground.
3. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
4. The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
5. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. Building height shall be limited to 35 feet.
8. A landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. Landscape buffers are required on the east and north sides, and a landscape street yard is also required across from residential zoning.

**Staff Report:** <https://www.wichita.gov/Council/DABAgendasMinutes/2021-12-06%20DAB%206%20ZON2021-00051%20MAPC%20Staff%20Report.pdf>

#### 12. ZON2021-00052

**Philip Zevenbergen, Associate Planner, Metropolitan Area Planning Department** will present an application on behalf of JJB Properties, LLC (owner/applicant), KE Miller Engineering (Agent). The applicant is requesting the rezoning of an unplatted parcel from SF-5 Single-Family Residential to MF-18 Multi-Family Residential with a proposed Protective Overlay. The site is generally located on the west side of North Hoover Avenue, one-half mile north of West Central Avenue (915 North Hoover). The subject property is currently developed with a single-family home, detached garage, and an accessory structure. The attached site plan shows that the applicant intends to keep the current structures and build four additional dwelling units on the north side of the property. The applicant submitted the following proposed language for a protective overlay. The applicant submitted a proposed language for a protective overlay found in the staff report.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request subject to Protective Overlay #382.

#### **Recommended Language for Protective Overlay #382**

1. Structures shall be limited to duplexes and single-family dwellings.
2. Utilities shall be installed underground.
3. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
4. The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
5. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. If access is shared with the adjacent property, a joint access easement shall be recorded with the Register of Deeds.
8. Building height shall be limited to 35 feet.
9. The zone change is subject to platting of the property.
10. A landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. Landscape buffers are required on the north and south sides, and a landscape street yard is also required across from residential zoning.

**Staff Report:** <https://www.wichita.gov/Council/DABAgendasMinutes/2021-12-06%20DAB%206%20ZON2021-00052%20MAPC%20Staff%20Report.pdf>

## Board Agenda

### 13. Updates, Issues, and Reports

Reports from the DAB on any activities, events, resources, issues, or concerns in the neighborhoods, council district, and/or city.

## Adjournment

The next District 6 Advisory Board meeting is scheduled to be held at 6:30 p.m. on January 3, 2022 at the Evergreen Recreation Center, 2700 N. Woodland, and Wichita, KS 67204. Residents also have the option to watch live on the [District 6 Facebook page](#).

Visit the [District 6 webpage](#) for the most up-to date meeting information.